

(l) *Vector and rodent control.* Any materials stored in a yard owned and operated by a scrap metal processor must be stored at in a manner which will allow adequate vector and rodent control measures. An owner or operator shall provide for vector and rodent control at least once within a 90-day period or more frequently as needed.

(3) *Used goods* shall mean any items, goods, products, wares, chattels, or articles of any sort which have previously been owned by someone other than the manufacturer or a dealer

(m) *Violations and penalties.* Failure to comply with any provisions of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a scrap metal processor under this Code. Any person violating any provision of this section shall be punished as provided by section 1-6 of this Code.

(Code 1968, § 23-17; Ord. No. 83-996, § 3, 6-29-83; Ord. No. 85-2216, § 3, 12-26-85; Ord. No. 90-635, § 18-B, 5-23-90; Ord. No. 92-1449, § 9, 11-4-92; Ord. No. 93-514, § 16, 5-5-93; Ord. No. 98-613, § 19, 8-5-98; Ord. No. 02-399, § 19, 5-15-02)

Charter reference—Penalties for ordinance violations, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Secs. 7-65—7-80. Reserved.

ARTICLE IV. PAWNBROKERS

Sec. 7-81. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Pawnbroker* means any person who is required to be licensed as a pawnbroker by the state.
- (2) *Pledged goods* shall mean tangible personal property other than choses in action, securities or printed evidences of indebtedness, which property was deposited with, or otherwise actually delivered into the possession of a pawnbroker as security for money loaned, or on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

whose business it is to sell such when new to the consumer.

(Code 1968, § 31½-1; Ord. No. 77-1014, § 1, 5-24-77)

Sec. 7-82. Compliance required.

No pawnbroker shall engage in any transaction involving the buying, selling or trading of used goods other than pledged goods unless he complies with all provisions of this article.

(Code 1968, § 31½-2; Ord. No. 77-1014, § 1, 5-24-77)

Sec. 7-83. Books and records to be kept.

Any pawnbroker who in person or through an agent or employee engages in any transaction involving the buying, selling or trading of used goods other than pledged goods shall keep, consistent with accepted accounting practices, adequate books and records relating to all transactions involving the buying, selling or trading of used goods other than pledged goods. Such records shall be preserved for a period of at least two (2) years from the date of the last transaction recorded therein.

All such records shall be available for inspection during regular business hours upon request by any peace officer.

(Code 1968, § 31½-3; Ord. No. 77-1014, § 1, 5-24-77)

Sec. 7-84. Tickets for items received; contents.

Any pawnbroker, agent, or employee of a pawnbroker who purchases or otherwise receives used goods other than pledged goods in the course of his business shall complete a ticket for each item so received.

Such tickets shall contain the following information:

- (1) Name and address of the person from whom the item was received.
- (2) Driver's license number or Texas personal identification certificate number of the person selling the item or otherwise giving the item.
- (3) A full description of the property received, including serial number if the item has a serial number.

- (4) The signature of the person from whom the property is received.

All tickets issued in the course of the pawnbroker's business of buying, selling or trading goods other than pawned goods shall be consecutively numbered and a copy of each such ticket shall be made available to the police department upon their request if such request is received within one year of the date the ticket was completed.

(Code 1968, § 31½-4; Ord. No. 77-1014, § 1, 5-24-77)

Sec. 7-85. Goods to be available for examination by police department.

All goods other than pledged goods received by the pawnbroker, his agents or employees which are openly displayed or available to the public shall be accessible for examination by any peace officer at any time during regular business hours. Failure to permit such an examination when requested shall be a misdemeanor.

(Code 1968, § 31½-5; Ord. No. 77-1014, § 1, 5-24-77)

Sec. 7-86. Items to be retained for seven days.

No pawnbroker, nor agent or employee of a pawnbroker, shall sell, dismantle, deface or in any manner alter or dispose of any item purchased or otherwise received by him at his place of business for seven (7) days after receipt. During such seven-day period, all items of property shall be stored or displayed at the pawnbroker's business location, in the exact form received, and in a manner so as to be identifiable from the description set out on the ticket required under section 7-84. Such property shall be available during normal business hours for examination by any peace officer.

(Code 1968, § 31½-6; Ord. No. 77-1014, § 1, 5-24-77)

Sec. 7-87. Receiving of goods from minors.

No pawnbroker, nor agent or employee of a pawnbroker, shall purchase or otherwise receive in the course of the pawnbroker's business, any item, ownership of which is claimed by any minor, or which may be in the possession of or under control of a minor, unless the minor's parent or guardian shall state in writing, that such transaction is taking place with such parent or guardian's full knowledge and consent. It shall be the duty of such pawnbroker to preserve and keep on

file, and available for inspection, such written statements of consent.
(Code 1968, § 31½-7; Ord. No. 77-1014, § 1, 5-24-77)

Sec. 7-88. Duty to report offer to sell stolen property; purchase of city property.

(a) It shall be the duty of the pawnbroker to report immediately to the police department any offer to sell to the pawnbroker, his agents or employees, property which such pawnbroker, his agents or employees have actual knowledge is stolen or by reasonable diligence should know is stolen, together with the identity, when known, and description of the person or persons making such offer. Such pawnbroker, his agents or employees, shall also report any property acquired by the pawnbroker which the pawnbroker, his agents or employees, subsequently determines or reasonably suspects to be stolen property and the pawnbroker, his agents or employees shall furnish such other information as might be helpful to the police in investigating the matter.

(b) It shall be unlawful for any pawnbroker, his agents or employees to purchase an item of property on which are written or affixed the words "Property of the City of Houston" or other words demonstrating ownership by the city except in the following circumstances:

- (1) Where the person offering such property for sale is an employee of the city authorized by the city treasurer to make such a sale and provides the pawnbroker, his agents or employees with a written authorization from the city treasurer for the sale of such property; or,
 - (2) Where the person offering such property for sale presents, at the time of such offer, a valid receipt from the city treasurer evidencing the purchase of such property by the person offering such property.
- (Code 1968, § 31½-8; Ord. No. 77-1014, § 1, 5-24-77)

Sec. 7-89. Responsibility for violations.

Each pawnbroker shall be responsible for any action done in the course of the pawnbroker's business by any agent or employee of such pawnbroker which is in violation of this article whether

or not such pawnbroker had knowledge of such action.

(Code 1968, § 31½-9; Ord. No. 77-1014, § 1, 5-24-77)

Secs. 7-90—7-100. Reserved.

ARTICLE V. COMMON MARKETS*

Sec. 7-101. Definitions.

The following words and phrases shall have the following meanings in this article unless otherwise clearly indicated in the text. Words not defined shall be interpreted in their usual sense.

- (1) *Common market* shall mean any tract of land, including all improvements thereon, on which five (5) or more spaces, booths and/or rooms are rented or let for a period not to exceed eight (8) consecutive days, for the purpose of selling used goods. However, if the lessor rents or lets five (5) or more spaces, booths, and/or rooms, for a period not to exceed eight (8) consecutive days, for purposes other than the sale of used goods, and subsequently permits the sale of used goods from five (5) or more spaces, booths and/or rooms that tract shall be deemed a common market.
- (2) *Used goods* shall mean any items, goods, products, wares, chattels, or articles of any kind or character which have previously been owned by someone other than the manufacturer or a dealer whose business it is to sell such when new to the consumer.

(Code 1968, § 12½-1; Ord. No. 78-1884, § 1, 9-26-78)

Sec. 7-102. License required; display of licenses.

No person shall own or operate a common market unless he has a valid license issued by the tax assessor-collector. Any person who owns or operates a common market at more than one location must obtain a license for each separate location. In the event the person who operates a common

*Cross references—The Houston Festival, § 12-81 et seq.; rat-proofing for curb and farmer's markets, § 21-128 et seq.; itinerant vendors, Ch. 22.